

RESOLUTION NO. 2010-6

A RESOLUTION OF THE VILLAGE COUNCIL OF THE VILLAGE OF KEY BISCAYNE, FLORIDA, URGING THE FLORIDA LEGISLATURE TO ADOPT AND THE GOVERNOR TO SIGN LEGISLATION PROHIBITING TYPING, SENDING OR READING OF TEXT MESSAGES AND E-MAILS WHILE OPERATING A MOTOR VEHICLE, AND ONLY ALLOWING CELL PHONE USAGE WHILE DRIVING WHEN UTILIZING A HANDS-FREE DEVICE; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, according to the New York Times, more than 110,000,000,000 text messages were sent in the United States during the month of December 2008 alone, a tenfold increase in just 3 years; and

WHEREAS, a 2008 study by Nationwide Insurance found that 20 percent of drivers in the United States send text messages while operating motor vehicles; and

WHEREAS, texting and portable E-mail are valuable to consumers, businesses, and private individuals throughout the United States, but those services also create an extreme risk when used by individuals while operating motor vehicles; and

WHEREAS, a study by the Virginia Tech Transportation Institute has concluded that people who send text messages while driving are 23 times more likely to be in a crash; and

WHEREAS, a test by Car and Driver Magazine found that in some cases, a person's reaction time was harmed more by texting while driving than while driving under the influence of alcohol; and

WHEREAS, in January of 2009, the National Safety Council called on state and federal lawmakers to ban the use of cell phones and text messaging devices while driving; and

WHEREAS, the Secretary of the United States Department of Transportation has stated that, "If it were up to me, I would ban drivers from texting immediately;" and

WHEREAS, pursuant to Section 316.0075, Florida Statutes, municipalities are preempted from regulating the use of electronic communication devices in a motor vehicle; and

WHEREAS, the Village Council believes that the threat to health, safety and welfare of the citizens of the State of Florida from this activity is so great, that there is a need for state legislation to be adopted prohibiting typing, reading or sending of text messages and e-mails while operating a motor vehicle and only allowing cell phone usage while driving when utilizing a hands-free device; and

WHEREAS, the Village Council believes that it is in the best interest of the citizens of the State of Florida for the Legislature to adopt and the Governor to sign legislation regulating texting and use of cell phones without hands-free devices while operating a motor vehicle, so as to ensure uniformity throughout the State.

NOW, THEREFORE, BE IT RESOLVED BY THE VILLAGE COUNCIL OF THE VILLAGE OF KEY BISCAYNE, FLORIDA, AS FOLLOWS:

Section 1. **Recitals Adopted.** The recitals set forth above are hereby adopted and confirmed.

Section 2. **Legislation Urged.** The Village Council urges the Florida Legislature to adopt and the Governor to sign legislation prohibiting typing, reading or sending of text messages and e-mails while operating a motor vehicle and only allowing cell phone usage while driving when utilizing a hands-free device.

Section 3. **Transmittal.** The Village Clerk is directed to send certified copies of this Resolution to the Governor, President of Florida Senate, Speaker of the Florida House of Representatives, Miami-Dade Legislative Delegation, Florida League of Cities, and the Miami-Dade

League of Cities.

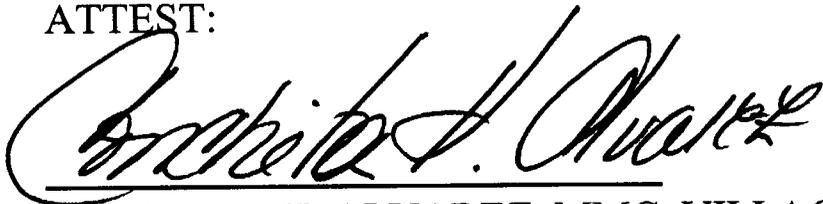
Section 4. Effective Date. This Resolution shall become effective upon its adoption.

PASSED AND ADOPTED this 23rd day of February, 2010.



MAYOR ROBERT L. VERNON

ATTEST:



CONCHITA H. ALVAREZ, MMC, VILLAGE CLERK

APPROVED AS TO FORM AND LEGAL SUFFICIENCY:



VILLAGE ATTORNEY





V I L L A G E O F K E Y B I S C A Y N E

Office of the Village Clerk

Village Council

Robert L. Vernon, *Mayor*
Enrique Garcia, *Vice Mayor*
Michael W. Davey
Robert Gusman
Michael E. Kelly
Jorge E. Mendia
Thomas Thornton

Village Clerk

Conchita H. Alvarez, *MMC*

March 3, 2010

The Honorable Charlie Crist
The Capitol
400 S. Monroe Street
Tallahassee, Florida 32399-0001

Dear Governor Crist:

Attached please find a copy of Resolution No. 2010-6 from the Village of Key Biscayne, Florida urging the Florida Legislature to adopt and the Governor to sign legislation prohibiting typing, sending or reading text messages and e-mails while operating a motor vehicle, and only allowing cell phone usage while driving when utilizing a hands-free device.

The Village of Key Biscayne would appreciate any assistance you can provide with respect to this matter.

Sincerely,

Conchita H. Alvarez, MMC
Village Clerk

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March 3, 2010

The Honorable Jeff Atwater, President
The Florida Senate
312 Senate Office Building
404 South Monroe Street
Tallahassee, Florida 32399-0001

Dear Senator Atwater:

Attached please find a copy of Resolution No. 2010-6 from the Village of Key Biscayne, Florida urging the Florida Legislature to adopt and the Governor to sign legislation prohibiting typing, sending or reading text messages and e-mails while operating a motor vehicle, and only allowing cell phone usage while driving when utilizing a hands-free device.

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March 3, 2010

The Honorable Larry Cretul, Speaker
Florida House of Representatives
420 The Capitol
402 South Monroe Street
Tallahassee, Florida 32399-1300

Dear Speaker Cretul:

Attached please find a copy of Resolution No. 2010-6 from the Village of Key Biscayne, Florida urging the Florida Legislature to adopt and the Governor to sign legislation prohibiting typing, sending or reading text messages and e-mails while operating a motor vehicle, and only allowing cell phone usage while driving when utilizing a hands-free device.

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March 3, 2010

Miami-Dade County Legislative Delegation
Stephen P. Clark Center
111 N.W. First Street, Suite 1032
Miami, Florida 33128

Gentlemen:

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March 3, 2010

Florida League of Cities
301 South Bronough Street, Suite 300
Post Office Box 1757
Tallahassee, Florida 32302-1757

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March 3, 2010

Miami-Dade County League of Cities
226 East Flager Street, Suite 200
Miami, Florida 33131

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